

Application 5,635,693 of Benson et al. ("Benson"). Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Handy in view of Benson and in further view of U.S. Patent Application 3,661,098 of Jaekle et al. ("Jaekle"). Claims 7-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Benson in view of Handy. The Applicant's undersigned attorney respectfully asserts that none of the pending claims are disclosed or suggested by any of the Examiner's cited references for the following reasons.

In the Office Action, the Examiner asserts that these references, either alone or in combination, disclose all of the limitations of the pending method claims. It is respectfully asserted that none of the Examiner cited references include or render obvious all the limitations of the newly amended independent method claims 1, 7, or 13 and therefore cannot anticipate nor render obvious any of these claims. Particularly, as shown above, independent claim 1 has been amended to more clearly show that the method steps of locating the exact position or location of the vehicle within a storage area are substantially different from the Benson reference. That is, pending independent claim 1 includes that the location of a vehicle is accomplished by "removably placing a selectively re-programmable location determination device upon said item, effective to allow the item to be quickly located at said items

exact position in said unique one of said plurality of storage spaces within said storage area". The Benson reference only discloses that the vehicles are located ONLY when the vehicles have passed within close proximity to the antenna(s) which are located at the entry/exit points of a lot (See Benson at column 3, lines 48-65, column 6, lines 31-44, column 8, lines 53-65, and column 12, lines 52-55). Therefore, it should be obvious to one who is skilled in the relevant art that the locating methodology of Benson only provides a user with which lot the vehicle is entering/leaving and, does not give an exact location at which the vehicle may be found within that identified lot.

Applicant, on the other hand, clearly requires that the exact vehicle location within the storage area be known at all times (i.e., through the fifth identification code). Moreover, Applicant also clearly requires that if the vehicle is moved within the storage area, that the fifth code be altered in order to correctly reference the new location at which the vehicle is located within the storage area. It is not obvious for Benson to incorporate Applicant's teachings because Benson specifically discloses or teaches that the antennas (i.e., RF antennas) are located ONLY in close proximity to entry/exit points. Therefore, there is no reason for Benson to deviate from his delineated methodology by incorporating equipment which allows the RF tags of Applicant to be selectively "queryable" (i.e., allows the

tags to respond to queries and generate a signal indicative of an answer to the query, or selectively "give" the location of the vehicle and not be required to pass in close proximity to an entry/exit point).

Furthermore, Applicant's undersigned attorney respectfully asserts that the combination of the Handy reference with the Benson reference is an improper combination and no one who is skilled in the relevant art would have the motivation to combine these references. That is, Benson teaches the use of radio frequency tagging in order to essentially keep track of which lot a vehicle is stored within and Handy teaches a method for separating and/or grouping small packages by use of bar coding. It should be obvious to one who is a skilled artisan that radio frequency technology requires the usage of hardware such as RF receivers (i.e., for passive type RF tags) or RF transceivers (i.e., for active type RF tags), whereas bar coding requires the use of hardware such as portable scanners (i.e., infrared bar code devices which emit an infrared beam and require the bar code to reflect a modified beam indicative of the information contained within the bar code), stationary or non-portable bar code scanners, and label makers (i.e., bar codes must be imprinted upon a label that is normally self adhesive). These two separate and very distinct forms of tracking and encoding information require completely different hardware, perform many

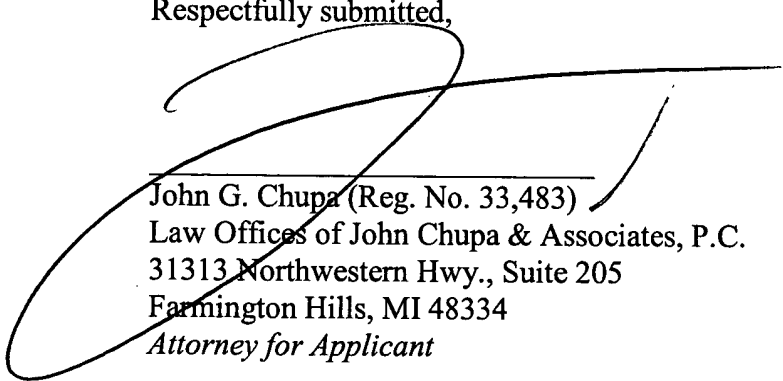
dissimilar operations (i.e., radio frequency emitting in respect to infra red light emitting/detecting, bar codes cannot be reprogrammed with new or different information, RF tags may be reprogrammed, and the like), and bar codes cannot transmit information actively without the use of a scanner. Therefore, this combination of Hardy with Benson is improper and no one who is skilled in the relevant art would have any motivation to combine these references, even though the resulting combination defeats the objectives of one or both of the references (i.e., the combination would require all the necessary equipment for RF tagging as well as all the necessary equipment for bar coding). Furthermore, even if the Examiner is not convinced that this combination is improper, the fact remains that the resulting combination could never yield a device which allows a user to ascertain the exact position or location of a vehicle within a storage area having a plurality of storage spaces.

In order to spare the Examiner simple reiteration of arguments, Applicant's undersigned attorney respectfully asserts that each of Applicant's independent method claims (i.e., claims 1, 7, and 13) all require either the same limitation of removably placing a selectively re-programmable location determination device upon an item or a vehicle, effective to allow the item or vehicle to be quickly located at the item's or vehicle's exact position in the unique one of the plurality of

storage spaces within the storage area. Therefore, Applicant's undersigned attorney respectfully asserts that all of Applicant's independent claims 1, 7, and 13 and all claims which respectively depend upon claims 1, 7, and 13 are not rendered obvious by any of the above cited references and, are therefore allowable.

For all of the above stated reasons, the Applicant's undersigned attorney respectfully asserts that the amended patent Application overcomes the Examiner's rejections and the pending claims are now in condition for allowance. Such allowance is respectfully requested. If the Examiner has any further questions regarding this matter, please feel free to contact the Applicant's undersigned attorney at (248) 865-9588.

Respectfully submitted,



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"MARKED UP" VERSIONS OF AMENDED SPECIFICATION PARAGRAPHS

ABSTRACT OF THE DISCLOSURE

A method [10] for receiving and shipping vehicles or other manufactured items in which the items are assigned several identification numbers and in which the transport conveyances and/or railcars are similarly and respectively assigned several identification numbers. These identification numbers cooperatively allow the vehicles to be quickly located within a storage yard or facility and to be efficiently and accurately assigned to a transport vehicle or railcar, effective to allow the vehicles to be transported to a desired destination.

"MARKED UP" VERSIONS OF AMENDED CLAIMS

Claim 1 "marked up" version

[(1)] 1. A method comprising the steps of:

providing a [reception] storage area having a plurality of storage spaces;

receiving an item;

placing said item [at] in a [certain location] unique one said plurality of storage spaces within said [reception] storage area;

providing a status indicator having one of a plurality of values;

removably placing a selectively re-programmable location determination device upon said item, effective to allow the item to be quickly located at said items exact position in said unique one of said plurality of storage spaces within said [reception] storage area; and

shipping said item only if said status indicator has a certain value.

[(2)] 2. The method of claim 1 wherein said item comprises a vehicle.

[(3)] 3. The method of claim 2 wherein said item is to be shipped to a certain destination and wherein said method further comprises the step of storing said certain destination within said location determination device.

[(4)] 4. The method of claim 3 wherein said item is to be shipped by a transport carrier to said certain destination, said method further comprising the steps of:

assigning said item to a transport carrier based upon said stored certain destination which is resident within said selectively re-programmable location determination device.

[(5)] 5. The method of claim 4 further comprising the step of generating a report including the exact location of said item within.

[(6)] 6. The method of claim 5 wherein said transport carrier comprises a railcar.

[(7)] 7. A method for shipping an item to a certain destination comprising the steps of:

providing storage area having a plurality of storage spaces;

providing a first identification code for said item;

providing a second identification code for said certain destination;

providing a device;

placing said device onto said item; [and]

communicating said first and second identification codes to said device; [and]

disposing said item in a unique one of said plurality of storage spaces within said storage area; and

using said device to locate said item within the exact unique one of said plurality of storage spaces within said storage area and to assign said item to a conveyance, effective to ship said item to said certain destination.

[(8)] 8. The method of claim 7 wherein said item comprises a vehicle.

[(9)] 9. The method of claim [7] 8 further comprising the steps of:

providing a third identification code representing a status of said vehicle; and

communicating said third identification code to said device, thereby allowing said status of said vehicle to be selectively ascertained.

[(10)] 10. The method of claim 9 wherein said first, second and third identification codes are selectively stored within a database.

[(11)] 11. The method of claim 10 further comprising the steps of:

providing a fourth identification code representing a location of said vehicle within [a yard] said unique one of said plurality of storage spaces within said storage area; and

communicating said fourth identification code to said device, thereby allowing said location of said vehicle within said unique one of said plurality of storage spaces within said

[yard] storage area to be selectively and exactly ascertained.

[(12)] 12. The method of claim 11 further comprising the step of altering said fourth identification code in response to said vehicle being moved within said [yard] storage area.

[(13)] 13. A method for shipping a vehicle comprising the steps of:

providing storage area having a plurality of storage spaces;

providing a first code representing an identification number of said vehicle;

providing a location determination device;

placing said location determination device upon said vehicle, said location determination device having a unique second code;

receiving and storing said vehicle within a unique one of said plurality of storage spaces within said storage area;

storing said first code and said second code within a database;

cross-referencing said first code to said second code;

providing a third code which represents a destination of said vehicle;

storing said third code within said database and within said location determination device;

providing a fourth code which represents a status of said

vehicle;

storing said fourth code within said database; [and]

disposing said vehicle in a unique one of said plurality of storage spaces within said storage area; and

utilizing said database and said location determination device to selectively locate said vehicle within the exact unique one of said plurality of storage spaces within said storage area and ship said vehicle.

[(14)] 14. The method of claim 13 wherein said location determination device comprises a transceiver.

[(15)] 15. The method of claim 13 wherein said fourth code may be selectively altered effective to selectively prevent [said] a shipment of said vehicle.

[(16)] 16. The method of claim 15 wherein said vehicle is held within [a yard] said unique one of said storage spaces within said storage area and further comprising the steps of:

providing a fifth code representing a location of said vehicle within said [yard] unique one of said storage spaces within said storage area; and

selectively storing said fifth code within said location determination device effective to allow said vehicle to be located within said [yard] unique one of said storage spaces within said storage area.

[(17)] 17. The method of claim 16 wherein said fifth code may be selectively altered, effective to represent a movement of said vehicle within said [yard] storage area from said unique one of said storage spaces to another unique one of said storage spaces within said storage area.

[(18)] 18. The method of claim 13 further comprising the step of creating a sixth identification code having a certain value which indicates [said] a shipment of said vehicle.